

**IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE**

JIMMY H. VAUGHN,)	DAVIDSON CIRCUIT
)	No. 77466
Plaintiff/Appellant)	
)	Appeal No.
v.)	01A01-9707-CV-00347
)	
MARY RUNYON VAUGHN,)	
)	
Defendant/Appellee)	

FILED

September 2, 1998

Cecil W. Crowson
Appellate Court Clerk

ORDER ON PETITION TO RE-HEAR

Appellee [“Wife”] petitions for rehearing of this appeal and for cause avers that the opinion of the court was silent on the issues of (1) failure of the trial court to award her a greater increase in alimony and (2) her request for award of attorney fees on appeal.

The trial court increased Wife’s alimony by fifty percent, from \$400.00 per month to \$600.00 per month, based on changed circumstances. She showed an increase in her monthly mortgage and medication costs as well as the need for home repairs and a car. Based on these circumstances, we affirmed the increase in alimony. Pursuant to this petition, we have reviewed the record once more and cannot find that the evidence supports a greater increase.

Wife also requested on appeal that this court award her a reasonable attorney fee for the appeal or remand the case to the trial court for determination and award of an appropriate fee.

Our opinion and judgment in this case affirmed the trial court’s award of \$350.00 in attorney fees for Wife’s trial counsel. After the trial of this matter, her then counsel petitioned the trial court to withdraw and for cause stated that there were no issues remaining before the court. When Husband filed notice of

appeal, Wife was required to obtain new counsel for representation on appeal, whose fees she seeks to assign to Husband.

Wife's insistence of her attorney fees on appeal is well taken, and the petition to re-hear is granted as to this issue. The case is remanded to the trial court for a determination of such fees. Costs are assessed to the appellant.

Henry F. Todd
Presiding Judge, Middle Section

Ben H. Cantrell, Judge

William H. Inman, Senior Judge